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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Austria, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Belarus

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international obligations,

Recalling Commission on Human Rights resolutions 2003/14 of 17 April 2003 and 2004/14 of 15 April 2004,

Concerned about the preliminary findings and conclusions of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, according to which the 17 October 2004 parliamentary elections fell significantly short of Belarus' Organization for Security and Cooperation in Europe commitments to hold a free and fair election, and that the simultaneous referendum was conducted in a highly distorted campaign environment,

1. *Expresses deep concern*:

(a) That in spite of detailed recommendations by the Organization for Security and Cooperation in Europe, as well as dialogue between the Government

[1] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.
[2] Resolution 217 A (III).

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and the Organization for Security and Cooperation in Europe following previous elections, Belarus failed to meet its international obligations and commitments to hold free and fair elections, including by arbitrarily applying election laws, including on registration as candidates, obstructing the right of access to the media, disseminating biased presentations of the issues by state media and falsifying vote counts, and that the electoral process and the legislative framework in Belarus remain fundamentally flawed;

(b) About continued reports of cases of harassment, arbitrary arrest and detention, and allegations of abuse while in detention, of domestic and international journalists, opposition politicians and peaceful demonstrators in connection with the October elections and post-election demonstrations;

(c) About the continued and expanding criminal prosecutions of leading opposition figures and human rights defenders;

(d) That senior officials of the Government of Belarus have been implicated in the enforced disappearance and/or summary execution of three political opponents of the incumbent authorities in 1999 and of a journalist in 2000 and in the continuing investigatory cover-up, as documented in the report adopted by the Parliamentary Assembly of the Council of Europe in resolution 1371, of 28 April 2004;

(e) About the Belarusian authorities' decision to revoke the teaching licence of the European Humanities University in Minsk and to terminate the lease of its buildings, forcing the University to close down;

(f) About persistent reports of harassment and closure of non-governmental organizations, national minority organizations, independent media outlets, opposition political parties and independent trade unions, and the harassment of individuals engaged in democratic activities;

2. *Urges* the Government of Belarus:

(a) To adhere to its international obligations and commitments to hold free and fair elections and to rectify problems with the electoral process, including, inter alia, the arbitrary application of electoral laws, including those on registration as candidates, the obstruction of the right of access to the media, the biased presentation of the issues by state media and the falsification of vote counts;

(b) To cease politically motivated prosecution and harassment of political opponents and pro-democracy activists and human rights defenders, educational institutions and civil society actors;

(c) To suspend from their duties officials implicated in any case of enforced disappearance, summary execution and torture, pending investigation of those cases, and to ensure that all necessary measures are taken to investigate fully and impartially such cases, and to bring the alleged perpetrators to justice before an independent tribunal, and if found guilty, to ensure that they are punished in accordance with the international human rights obligations of Belarus;

(d) To investigate and hold accountable those responsible for the mistreatment of domestic and foreign journalists in connection with the October 2004 elections and post-election demonstrations, including those associated with Russian First Channel (ORT), RenTV and NTV, Associated Press;

(e) To carry out all the other steps called for by the Commission of Human Rights in its resolution 2004/14;

3. *Insists* that the Government of Belarus cooperate fully with all the mechanisms of the Commission on Human Rights, and in particular with the special rapporteur appointed in resolution 2004/14.